

FIRST REGULAR SESSION

# SENATE BILL NO. 96

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS JUSTUS, SMITH, BRAY, DAYS, WILSON AND WRIGHT-JONES.

Pre-filed December 3, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0225S.011

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## AN ACT

To amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 167 and 210, RSMo, are amended by adding thereto  
2 three new sections, to be known as sections 167.018, 167.019, and 210.1050, to  
3 read as follows:

**167.018. 1. Sections 167.018 and 167.019 shall be known and may  
2 be cited as the "Foster Care Education Bill of Rights".**

**3 2. Each school district shall designate a staff person as the  
4 educational liaison for foster care children. The liaison shall do all of  
5 the following in an advisory capacity:**

**6 (1) Ensure and facilitate the proper educational placement,  
7 enrollment in school, and checkout from school of foster children;**

**8 (2) Assist foster care pupils when transferring from one school  
9 to another or from one school district to another, by ensuring proper  
10 transfer of credits, records, and grades;**

**11 (3) Request school records, as provided in section 167.022, within  
12 two business days of placement of a foster care pupil in a school; and**

**13 (4) Submit school records of foster care pupils within three  
14 business days of receiving a request for school records, under  
15 subdivision (3) of this subsection.**

**167.019. 1. A child placing agency, as defined under section  
2 210.481, RSMo, shall promote educational stability for foster care  
3 children by considering the child's school attendance area when  
4 making placement decisions. The foster care pupil shall have the right  
5 to remain enrolled in and attend his or her school of origin pending**

6 resolution of school placement disputes.

7           2. Each school district shall accept for credit full or partial  
8 course work satisfactorily completed by a pupil while attending a  
9 public school, nonpublic, or nonsectarian school in accordance with  
10 district policies or regulations.

11           3. If a pupil completes the graduation requirements of his or her  
12 school district of residence while under the jurisdiction of the juvenile  
13 court as described in chapter 211, RSMo, the school district of  
14 residence shall issue to the pupil a diploma from the school the pupil  
15 last attended before detention or, in the alternative, the superintendent  
16 of the school district may issue the diploma.

17           4. School districts shall ensure that if a pupil in foster care is  
18 absent from school due to a decision to change the placement of a pupil  
19 made by a court or child placing agency, or due to a verified court  
20 appearance or related court-ordered activity, the grades and credits of  
21 the pupil shall be calculated as of the date the pupil left school, and no  
22 lowering of his or her grades shall occur as a result of the absence of  
23 the pupil under these circumstances.

24           5. School districts shall be authorized to permit access of pupil  
25 school records to any child placing agency for the purpose of fulfilling  
26 educational case management responsibilities required by the juvenile  
27 officer or by law and to assist with the school transfer or placement of  
28 a pupil.

29           6. Any rule or portion of a rule, as that term is defined in section  
30 536.010, RSMo, that is created under the authority delegated in this  
31 section shall become effective only if it complies with and is subject to  
32 all of the provisions of chapter 536, RSMo, and, if applicable, section  
33 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
34 and if any of the powers vested with the general assembly pursuant to  
35 chapter 536, RSMo, to review, to delay the effective date, or to  
36 disapprove and annul a rule are subsequently held unconstitutional,  
37 then the grant of rulemaking authority and any rule proposed or  
38 adopted after August 28, 2009, shall be invalid and void.

210.1050. 1. For purposes of this section, for pupils in foster care  
2 or children placed for treatment in a licensed residential care facility  
3 by the department of social services, "full school day" shall mean six  
4 hours in which the child is under the guidance and direction of

5 teachers in the educational process.

6           2. Each pupil in foster care or child placed for treatment in a  
7 licensed residential care facility by the department of social services  
8 shall be entitled to a full school day of education unless the school  
9 district determines that fewer hours are warranted.

10           3. The commissioner of education shall be an ombudsman to  
11 assist the family support team and the school district as they work  
12 together to meet the needs of children placed for treatment in a  
13 licensed residential care facility by the department of social  
14 services. The ombudsman shall have the final decision over  
15 discrepancies regarding school day length. A full school day of  
16 education shall be provided pending the ombudsman's final decision.

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Bill

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